

1 Brian Hennessy State Bar No. 226721
2 bhennedy@perkinscoie.com
3 PERKINS COIE LLP
4 101 Jefferson Drive
5 Menlo Park, California 94025
6 Telephone: 650.838.4300
7 Facsimile: 650.838.4350

E-Filed 1/6/2010

8 James McCullagh, *pro hac vice application to follow*
9 jmccullagh@perkinscoie.com
10 Joseph Cutler, *pro hac vice application to follow*
11 jcutler@perkinscoie.com
12 PERKINS COIE LLP
13 1201 Third Avenue, Suite 4800
14 Seattle, Washington 98101
15 Telephone: 206.359.8000
16 Facsimile: 206.359.9000

17 Attorneys for Plaintiff
18 FACEBOOK, INC.

19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC., a Delaware
corporation,
Plaintiff,

Case No. C 09-05842 JF

**STIPULATED ORDER AND PERMANENT
INJUNCTION**

v.
JEREMI FISHER; PHILIP POREMBSKI;
RYAN SHIMEALL; and JOHN DOES 1-
25, individuals; and CHOKO SYSTEMS
LLC; HARM, INC.; PP WEB SERVICES
LLC, iMEDIA ONLINE SERVICES LLC,
and JOHN DOES 26-50, corporations,

Defendants.

26
27
28
WHERAS Facebook commenced this action seeking, among other things, a permanent
injunction enjoining Defendants Jeremi Fisher, Philip Porembski, Ryan Shimeall, Choko Systems

1 LLC, Harm, Inc., PPWeb Services LLC, and iMedia Online Services LLC (collectively
 2 "Defendants") and their officers, agents, servants, and employees, and those persons acting in
 3 concert or participation with them from engaging in an unlawful spam campaign against
 4 Facebook users, unauthorized access to Facebook's network and Facebook user profiles, and
 5 from otherwise breaching Facebook's Statement of Rights and Responsibilities;

6 **WHEREAS** Defendants Jeremi Fisher and Choko Systems LLC and Facebook consent to
 7 the entry of a permanent injunction, the terms of which are set forth below:

8 1. Defendants Jeremi Fisher, Choko Systems LLC, and all of their officers, agents,
 9 servants, employees and attorneys, and persons in active concert or participation with him who
 10 receive actual notice of this order are hereby enjoined from:

- 11 a. Initiating or procuring transmission of unsolicited commercial electronic
 12 messages ("spam") on or through Facebook's computers, Facebook's
 13 website, Facebook's networks, or to Facebook users;
- 14 b. Accessing or attempting to access Facebook's website, networks, data,
 15 information, user information, profiles, computers, or computer systems;
- 16 c. Soliciting, requesting, or taking any action to induce Facebook users to
 17 provide identifying information or representing that such solicitation,
 18 request, or action is being done with Facebook's authorization or approval;
- 19 d. Purchasing, using, distributing, trafficking in, or selling compromised
 20 Facebook user account information;
- 21 e. Accessing or procuring the access of the accounts of other Facebook users;
- 22 f. Retaining any copies, electronic or otherwise, of any Facebook
 23 information, including user login information or passwords, obtained
 24 through illegitimate or unlawful actions;
- 25 g. Engaging in any activity that alters, damages, deletes, destroys, disrupts,
 26 diminishes the quality of, interferes with the performance of, or impairs the
 27 functionality of Facebook's computers, computer system computer
 28 network, data, website, or services;

- 1 h. Engaging in any unlawful activities alleged in this action;
- 2 i. Entering or accessing the physical premises or facilities of Facebook or its
- 3 counsel; or
- 4 j. Engaging in any activity that violates, or encourages, induces or facilitates
- 5 violations of the Statement of Rights and Responsibilities, attached as
- 6 Exhibit A to the Complaint in this action.

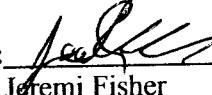
7 2. This Stipulated Order and Permanent Injunction is final and may not be appealed
8 by either party.

9 DATED this 4th day of January, 2010.
10

11
12 **PERKINS COIE LLP**

13 **JEREMI FISHER**

14 By: s/ Brian Hennessey
15 Brian Hennessey

16
17 By: 
18 Jeremi Fisher

19
20 Attorneys for Plaintiff
21 FACEBOOK, INC

22 **JEREMI FISHER**

23 By: 
24 Jeremi Fisher

25 For: Choko Systems LLC

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
2
3

4 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter Judgment pursuant to this
5 Order.
6

7 Dated: January 6, 2010
8

9
10 
11 The Honorable Jeremy Fogel
12 United States District Judge
13

14 Approved as to form by:
15

16 **PERKINS COIE LLP**
17

18 By:/s/ Brian Hennessey
19 Brian Hennessey
20

21 Attorneys for Plaintiff
22 FACEBOOK, INC
23

24
25
26
27
28